

Julianne P. Blanch (6495)
Juliette P. White (9616)
PARSONS BEHLE & LATIMER
201 South Main Street, Suite 1800
Salt Lake City, UT 84111-2218
Tel: (801) 532-1234 / Fax: (801) 536-6111
JBlanch@parsonsbehle.com
JWhite@parsonsbehle.com

James F. Speyer (admitted *pro hac vice*)
E. Alex Beroukhim (admitted *pro hac vice*)
ARNOLD & PORTER KAYE SCHOLER LLP
777 South Figueroa Street, Forty-Fourth Floor
Los Angeles, California 90017-5844
Tel: (213) 243-4000 / Fax: (213) 243-4199
james.speyer@arnoldporter.com
alex.beroukhim@arnoldporter.com

Attorneys for Defendant Traeger Pellet Grills, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH CENTRAL DIVISION

MICHAEL YATES, individually and on
behalf of all others similarly situated; and
NORMAN L. JONES, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

TRAEGER PELLET GRILLS, LLC, a
Delaware limited liability company,

Defendant.

Case No. 2:19-cv-00723-BSJ

**DEFENDANT'S MOTION FOR
LEAVE TO FILE UNDER SEAL**

Judge Bruce S. Jenkins

Defendant Traeger Pellet Grills, LLC (“**Defendant**” or “**Traeger**”), pursuant to DUCivR 5-3(b)(2)(C)(i), hereby moves this court for leave to file Exhibits C.1; C.2; D; E; G.1; G.2; G.3; G.4; I.1; I.2; I.3; I.4; J.1; J.2; J.3; J.4; J.5; J.5b; J.6; J.7; J.8; J.9; J.10; J.11; J.12; J.13; J.14; K.0; K.1; K.2; K.3; K.4; K.5; K.6; K.7; K.8; K.9; M.1; M.2; N.1; N.2; O.1; O.2; P.1; P.2; T.1; T.2; and U to Plaintiffs’ Motion for Class Certification, Document No. 149, (“**Exhibits**”) under seal.

ARGUMENT

Pursuant to DUCivR 5-3, the records of the court are presumptively open to the public, but a judge may, upon a showing of good cause, order that documents be sealed.

Traeger requests that the Exhibits be sealed to protect information that has been designated “Confidential” and/or “Attorneys’ Eyes Only” by the parties pursuant to this Court’s Standard Protective Order. Traeger so designated these documents due to the presence of highly sensitive and proprietary business and technical information, which includes Pellet ingredients and formulas, personal employee information, raw data from internal surveys (which include private information for several of Traeger’s customers), and pricing and sales data (and deposition and expert testimony regarding the same). Publication of that information would harm Traeger’s “competitive standing” by providing its competitors access to its private formulas, marketing strategies, financial information, and other

proprietary information. *See Ensminger v. Credit L. Ctr, LLC*, No. 19-CV-02147-TC-JPO, 2021 WL 8567979, at *1 (D. Kan. May 14, 2021) (citing *Lazzo v. Frontier Wealth Mgmt., LLC*, No. 20-CV-1075-DDC, 2020 WL 1330696, at *2 (D. Kan. Mar. 23, 2020)). The filing has been narrowly tailored to redact or seal only this information where possible. Accordingly, Traeger respectfully requests that these Exhibits be permanently and entirely sealed.

DATED: June 7, 2022

PARSONS BEHLE & LATIMER

/s/ Julianne P. Blanch

Julianne P. Blanch

Juliette P. White

ARNOLD & PORTER KAYE

SCHOLER LLP

James F. Speyer

E. Alex Beroukhim

Attorneys for Defendant

Traeger Pellet Grills, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of June, 2022, I electronically filed a true and correct copy of the foregoing Motion for Leave to File Under Seal with the Clerk of the Court using the CM/ECF system, which sent notification to all counsel of record.

/s/ Julianne P. Blanch